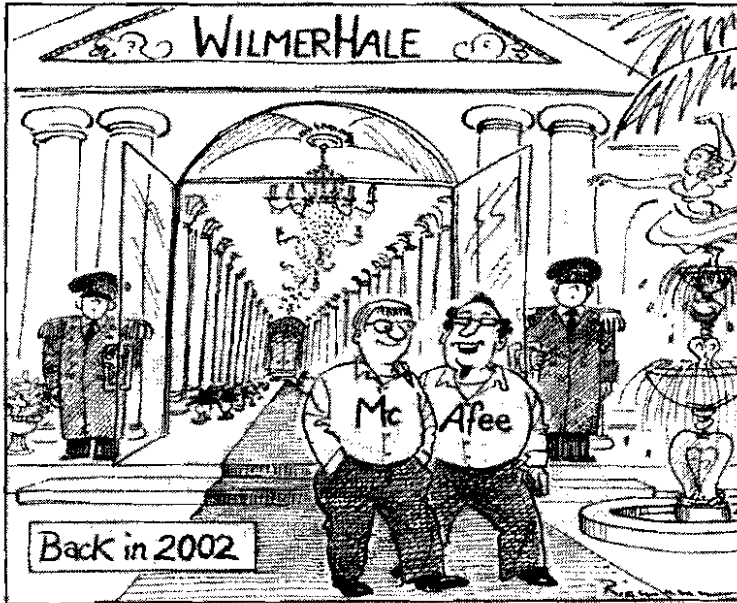


Ad Hominem

OPINION AND SATIRE

FRIDAY, JULY 25, 2008



'AND I'M SURE THE FEES WILL BE TOTALLY REASONABLE'

BARometer

Joseph Russoniello

The bad news: The U.S. attorney has to sit out the first high-profile, combustible political case of his tenure. The good news: He gets to sit out the first high-profile, combustible political case of his tenure.

Thelen Reid Brown Raymen & Steiner

The firm has told its attorneys it's exploring merger possibilities. Because that worked so well last time.

Alameda County prosecutors

When Judge Carlos Best can't stomach your peremptory challenges, you know you're in trouble.

Employees

A court says you can only file wage-and-hour suits on an individual basis. And no lawyer will take those cases.

Hearsay

The ghost of patents past?

I've been at this for 19 years, and I'd have to say this is the first case in which someone was purported to have signed a document after they'd died.

—Marger, Tolles & Olson partner Jeffrey Bleich, on some strange goings-on in a recent patent case he worked on

Give and take

Chinese companies are more willing to pay us more money, but I have to show them that I have the capability to promote business for them.

—Mason, Phelps & Phillips attorney Romgle Ma, recently hired to drum up alternative energy business in China, on changes in the country's business and legal environment

A critical test

Juveniles should have the right to a jury trial, (but) if they don't, [an adjudication] shouldn't be a strike. It seems to me personally that it just doesn't pass the smell test.

—Santa Clara County Deputy Public Defender Seth Flaggberg, on why juvenile crimes should not count as "strikes" when the same juvenile is sentenced for an offense as an adult

The dark side of summer and law firms' complicity

By Lauren Stiller Rikleen

The summer associate program is the time when eager law students are provided their first major glimpse into law firm life. They are paid well, entertained generously and offered opportunities to conduct interesting research and observe skilled attorneys at work.

This is the summer program in its best light. But what lies beneath is a pattern of behavior that places law firms at risk. Generally, the improper activities take place out of the spotlight. The anecdotes emerge during long days back at law school, where students discuss the innuendo messages and uninvited overtures they noticed during their summer experience.

Following a variety of presentations during the past several months, students have quietly spoken to me, describing their experiences and observations. As they shared stories, they also expressed a sense of feeling powerless about how to respond. Their anecdotes offer a sobering look at a long-standing culture.

"The firms create an experience that is beyond the norm," one student said. "Everything is free. The atmosphere is higher class than anything we are used to, and the pressure to attend every event, including the after-parties, is significant." Another described similar frustrations with his summer at a premier firm. "The competition among practice groups to sponsor the best event was intense — fancy dinners, days at the beach, country clubs — all followed by late-night partying where the summers and associates drink freely."

The rules are never explained, but known to all. The more summers attending the post-event gathering, the easier it is to justify presenting the high bar tab to the firm for reimbursement. The next day, the summers and other associates swap stories that demonstrate their drinking prowess. But it is not only the drinking that is troubling. Summer associates report an atmosphere that seems to condone inappropriate comments and sexual overtures. Consider, for example, the married partner with children who was overheard at one event asking a young woman what her dating age range was.

Law firms further contribute to the problem by sending inconsistent messages. The orientation program generally includes an admonishment against dating lawyers at the firm. But when summer associates attempt to thwart unwanted advances by noting the policy, their protestations are rebuffed with an offhand "Don't worry about it. The firm doesn't really care if it happens."

It is difficult for law students to do anything but endure these awkward and difficult moments. Often deeply in debt, they know that a \$160,000 offer hangs at the end of a successful summer experience. Moreover, law firms and law schools are complicit in a quiet bargain whereby summer associates who meet minimal performance standards will be offered an associate position, leading the way for firms to be welcomed back to the law school for the next recruitment season.

Even if a summer associate wanted to report a concern, the size of the summer classes generally hinders the ability to identify a supportive lawyer with whom to discuss an uncomfortable experience. The media, too, are complicit in the way they write about these programs, focusing more on size than substance. Recent articles have focused on the thinner class sizes, compared to the record-breaking year of 2007. Even with this year's slightly lower numbers, however, most major firms hired classes larger than the size of most top

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